

CURT SMITCH
Director



STATE OF WASHINGTON
DEPARTMENT OF WILDLIFE

600 Capitol Way North • Olympia, Washington 98501-1091 • (206) 753-5700

Date 21 APRIL 1992

Department of Ecology
Water Resources Section
Southwest Region
7272 Cleanwater Lane
Olympia, Washington 98504

Water Right Application # 5228417
Applied for by SWAMPAPPLE ENTERPRISES, INC.
Water BEND CREEK
WRIA # 22
Amount 1.11 cfs

The waters to be affected by this water right application:

- ☐ support anadromous fish
- ☐ support resident fish
- ☐ support no fish
- ☐ based on site-specific knowledge
- ☐ based on experience with this type of water

The Department of Wildlife has reviewed the above referenced water right application and submits the following recommendations:

- ☐ This is a second response after field investigation following a hold request.
- ☒ WDOE has adopted minimum flows and stream closures for this WRIA. Water rights should be subject to adopted minimum flows and closures as stated in WAC 173-522.
- ☐ Deny:
- ☐ Deny: According to WDW policy (POL-3200 5. Diversion From Very Small Streams to be Discouraged), "Any diversion from very small streams (less than five feet wide between toes of banks) is detrimental to fish habitat at any flows except floods. The Department will discourage any diversion from very small streams which support fish."
- ☐ Deny: This water right, if granted, would adversely impact wetlands in violation of Executive Order 90-04.
- ☐ Minimum flow: All diversions shall cease when the flow of _____ as measured at _____ is less than _____ cfs during _____ and _____ cfs during _____.
- ☐ This is based on _____.
- ☐ This water right, if issued, should be subject to existing low flow on _____ defined as to point of measurement and specific number of cfs, then please notify us so that we may recommend specifics.

- _____ Single domestic water rights normally do not exceed 0.02 cfs. If this water right is issued, we request that it be limited to no more than 0.02 cfs.
- X Please HOLD pending investigation to determine minimum flow needed. We will be able to provide site-specific minimum flow recommendations by 10/1/92 after field investigations are completed.
- _____ Please HOLD pending completion of IFIM study which should be conducted by applicant following Instream Flow Study Guidelines available from Department of Wildlife.
- _____ Screening criteria: Maximum approach velocity 0.40 ft/sec, 1/8 inch mesh.
- _____ Hydraulic Project Approval required.
- _____ Spring is important wildlife habitat. We request that WDOE establish conditions to minimize impact to wildlife habitat. Please call us if we can assist.
- _____ No comments.
- _____ Other:

Thank you for the opportunity to review and comment.

Sincerely,

Constance Iten

Constance Iten
Habitat Biologist

CI:mjf

2

9

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

July 2, 1992

Joesph A. Boss Jr.
Route 1, Box 480
Grayland, Washington 98547-0480

Re: Ground Water Application No. G 2-28446
Surface Water Application No. S 2-28447

Dear Mr. Boss:

Your protest against the granting of a water right to Swampapple Enterprises of Rt.1, Box 425, Grayland, Washington is acknowledged and made a matter of record.

Your objection will be fully considered before a decision is issued on the above application.

Sincerely,

A handwritten signature in cursive script that reads "Vicki Windust".

Vicki Windust
Water Resources

VW:pz

5

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

July 2, 1992

Patrick O'Hagan, Pres.
Swampapple Enterprises, Inc.
Rt.1 Box 425
Grayland, Washington 98547-0425

Re: Ground Water Application No. G 2-28446
Surface Water Application No. S 2-28447

Dear Mr. O'Hagen:

For your information, Eleanor Smith, of P.O. Box 556, Grayland, Washington, has filed a written protest against your above-numbered application for water rights.

The Protestant claim the following:

That the amount of water requested is not available, and use of water would adversely impact existing water rights.

This protest will be fully considered before a decision is issued on your application.

Sincerely,

Vicki Windust

Vicki Windust
Water Resources

VW:pz

5

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

July 2, 1992

Elanor Smith
P.O. Box 556
Grayland, Washington 98547-0556

Re: Ground Water Application No. G 2-28446
Surface Water Application No. S 2-28447

Dear Ms. Smith:

Your protest against the granting of a water right to Swampapple Enterprises of Rt.1, Box 425, Grayland, Washington is acknowledged and made a matter of record.

Your objection will be fully considered before a decision is issued on the above application.

Sincerely,

Vicki Windust
Water Resources

VW:pz

6

22 JUN 92 4:05

Received 6/22/92
Water Resources

P.O. Box 556
Grayland, Washington 98547
June 17, 1992

State of Washington
Department of Ecology
P.O. Box 47775
Olympia, Washington 98504-7775

Re: Application Number S228447

Dear Sir,

I wish to register a most vigorous protest against the granting of the above-named water right request by Swampapple Enterprises, Inc. I am an adjacent property owner (Lot B of SSA 90-21) with registered water rights to an 'unnamed stream' in the same area as the request (see attached water right certificate.) The reasons for this protest are:

- The requested right translates to an incredible 86,000 cubic feet per day. It doesn't seem possible that the small water sources named could provide such a volume. Granting this request would give the applicants control of virtually all the water in the area. There are many other existing farms in the area without registered rights that depend on this water to maintain their farm and hence their livelihood.
- Although the would-be grant is subject to existing registered rights, these 'unnamed streams' are fragile and the wholesale digging and channeling that would go on could actually reduce the total water available to all.
- During certain years these existing sources do not provide enough water for the existing users to provide the small amounts of heat and frost irrigation required.
- Since many area commercial farmers currently use this water (probably including the applicant), many of whom are without water rights, each person respects the practical right of others to use the water and most are not abusive. Allowing the grant of such a large right to one party would upset the delicate balance of co-operation and encourage that party to abuse the right and waste water since he would have no obligation to respect the usage of other unregistered parties.

OK TO ACCEPT PROTEST, Send Acknowledgment
Letters UW 7/2/92

- Some farmers with small farms also have plans for expansion. The appropriation of such a large right to one already large farm could make it more difficult for small area farms to expand to an economic size as is necessary and currently planned.

It is important that our natural resources continue to be shared in a spirit of co-operation and conservation in order to provide for a future for all. The grant of such a large appropriation to one party is directly counter-productive to this. Please deny this request.

Sincerely,

Eleanor Lopez Smith

Eleanor Lopez Smith

encl.

5

2 JUN 24 11

June 18, 1992

Department of Ecology
P. O. Box 47775
Olympia, Washington 98504-4775

Re: Objections to approval of application #S228447 by
Swampapple Enterprises, Inc. of Grayland, Washington
to appropriate public waters, and G228446.

TO WHOM IT MAY CONCERN:

1. According to the Grayland Water District, there is not enough water available from Bend Creek and unnamed springs at the present time to cover the irrigation and frost control needs of cranberry growers using the above water sources. This is especially true when we are experiencing a dry summer.
2. To allow Swampapple to dig a trench would put them in control of water currently needed by other existing farms.

Perhaps in the past there was a sufficient amount of water available to meet the needs of the cranberry growers. However, with the advent of new bog and additional plantings on existing ones, coupled with the tremendous amount of logging being done on the hill above the Creek, this is no longer true. It does not seem sensible or fair to allow Swampapple to be in a position to dictate who gets the water available.

Sincerely,

Joseph A. Boss Jr.

Joseph A. Boss, Jr.
1877 Cranberry Road
Grayland, Washington 98547-9606

(206) 267-2341

OK TO Accept Protest, send Acknowledgement
Letters VW 7-2-92

RECEIVED FROM		RECEIPT		182172	
FUND:		WASHINGTON STATE			
		DEPARTMENT OF ECOLOGY			
		July 2, 19 92			
		DOLLARS			
General		Rec.Rev.		Basic Data	
Other		Cash		Check	
SOURCE:		Water Code		Publications	
		Adjudications		Refunds	
		M.O.		Per. and Lic.	
		Investments		Registration	
		Other			

By

Thank You

9

WASHINGTON STATE
DEPARTMENT OF ECOLOGY

RECEIPT

182114

RECEIVED FROM *Vern D. & Pam Christensen* *June 22* 19 *92*
..... *two dollars* DOLLARS *2.00*

FUND:

General Rec.Rev. Basic Data Other Cash

SOURCE:

Check ☒

Water Code Publications Adjudications Refunds M.O.

Per. and Lic. Investments Registration Other

..... *PROTEST FEE \$ 228.47*

..... *Check 154.8*

By *Ruth J. [Signature]*

Thank You

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

June 22, 1992

Vern Christensen
Star Route 1 Box 186
Grayland, Washington 98547-0186

Re: Ground Water Application No. G 2-28446
Surface Water Application No. S 2-28447

Dear Mr. Christensen:

Your protest against the granting of a water right to Swampapple Enterprises of Rt.1, Box 425, Grayland, Washington is acknowledged and made a matter of record.

Your objection will be fully considered before a decision is issued on the above application.

Sincerely,

Vicki Windust
Vicki Windust
Water Resources

VW:pz

4

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

June 22, 1992

Patrick O'Hagan, Pres.
Swampapple Enterprises, Inc.
Rt.1 Box 425
Grayland, Washington 98547-0425

Re: Ground Water Application No. G 2-28446
Surface Water Application No. S 2-28447

Dear Mr. O'Hagen:

For your information, Vern Christensen of Star Rt.1, Box 186, Grayland, Washington, has filed a written protest against your above-numbered application for water rights.

The Protestant claim the following:

That the Diversion and withdrawal requested will have an adverse impact on his existing rights and the stream source.

This protest will be fully considered before a decision is issued on your application.

Sincerely,

Vicki Windust
Water Resources

VW:pz

S

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

June 22, 1992

Alfons W. & Connie Johnson
Route 1 Box 475
Grayland, Washington 98547-0475

Re: Ground Water Application No. G 2-28446
Surface Water Application No. S 2-28447

Dear Mr. & Mrs. Johnson:

Your protest against the granting of a water right to Swampapple Enterprises of Rt.1, Box 425, Grayland, Washington is acknowledged and made a matter of record.

Your objection will be fully considered before a decision is issued on the above application.

Sincerely,

A handwritten signature in cursive script, reading "Vicki Windust", is written above the typed name.

Vicki Windust
Water Resources

VW:pz

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353
June 22, 1992

Patrick O'Hagan, Pres.
Swampapple Enterprises, Inc.
Rt.1 Box 425
Grayland, Washington 98547-0425

Re: Ground Water Application No. G 2-28446
Surface Water Application No. S 2-28447

Dear Mr. O'Hagen:

For your information, Alfons W. and Connie Johnson of Rt.1, Box 475, Grayland, Washington, has filed a written protest against your above-numbered application for water rights.

The Protestant claim the following:

That the amount of water requested to divert and withdrawal will have an adverse impact on the water source and existing water rights.

This protest will be fully considered before a decision is issued on your application.

Sincerely,

Vicki Windust
Vicki Windust
Water Resources

VW:pz

S

May 21, '92

Dept. of Ecology
P.O. Box 47775
Olympia, Wa. 98504-7775

Gentlemen -

Re: Notice of Application
No. G 228447 and No. G 228446 to Appropriate
Public Waters for
Swampapple Enterprises, Inc.
of Grayland, Wa.

I own 6 acres of farmland in
the area described in the enclosed
Notice. I live on said property
and raise cranberries on said
property, briefly described as follows

S. 204.50' of N 1/2 of SE NE,
Section 7, Township 15 N,
Range 16 W. W. M., Gray Harbor
County, Wa.

this property consists 6 acres. I am
objecting to this application because
I believe they are requesting even
more water than is available
from Bend Creek, un-named springs,
infiltration trench & laterals.
this could cause a severe water
shortage for me & possibly a
result of no water at all.
Please give me notice of any and
all future proceedings. My check
is enclosed. (\$4.00)

Yours Truly
Alfons W. Johnson
Rt. 1, Box 475
Grayland, Wa. 98547
Phone: (206) 267-1966

5/28/92 OK to Accept
Protest, please send Acknowledgment
Letters. Thanks Vic

WASHINGTON STATE
DEPARTMENT OF ECOLOGY

RECEIPT

132174

RECEIVED FROM Eleanor Smith July 2 19 92
Four dollars DOLLARS 4.00

FUND:

General Rec.Rev. Basic Data Other Cash

SOURCE:

Check ☒

Water Code Publications Adjudications Refunds M.O.

Per. and Lic. Investments Registration Other

Protest
check # 751

By

Pat. J. L.

Thank You

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
NOTICE OF APPLICATION
TO APPROPRIATE
PUBLIC WATERS

TAKE NOTICE:

That Swampapple Enterprises Inc. of Grayland, Washington on March 20, 1992 under Application No. G228446 filed for permit to appropriate public waters, subject to existing rights, from infiltration trench and laterals in the amount of 500 gallons per minute as needed year round each year, for frost and heat protection, flood harvesting and irrigation during irrigation season. The source of the proposed appropriation is located within S1/2 S1/2 SE1/4 NE1/4 of Section 7, Township 15 N., Range 11WW.M., in Grays Harbor County.

Protests or objections to approval of this application must include a detailed statement of the basis for objections: protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from May 21, 1992.

DEPARTMENT OF ECOLOGY
P.O. Box 47775

Olympia, WA 98504-7775
First Publication: May 14, 1992

Last Publication: May 21, 1992

protesting!
300,000 gal in 24 hrs

*asking 500 gal min
1 cu ft. per second*

RECEIPT

162113

WASHINGTON STATE
DEPARTMENT OF ECOLOGY

RECEIVED FROM *Alfonso W. + Connie Johnson* *June 22* 19 *72*
 *Four dollars* DOLLARS *4.00*

FUND:

General Rec.Rev. Basic Data Other Cash

SOURCE:

Check *✓*

Water Code Publications Adjudications Refunds M.O.

Per. and Lic. Investments Registration Other

..... *POSTAGE 62-28446*
 *62-28447*
 *CHIEF 31.66*

By *[Signature]*

Thank You

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

Protest A
(applicant)

Date
Patrick O'Hagan, Pres.
Swampapple Enterprises, Inc.
Rt. 1, Box 425
Grayland, WA 98547-0425

Re: Water Right Application No. 5 62-28446 & 52-28447

Dear Mr. O'Hagan:
For your information, Alfonso W. & Connie Johnson, of Rt. 1, Box 475
Grayland, WASH., 98547, has filed a written protest against your
above-numbered application for a water right.

The protestant claims the following:

That the amount of water requested to divert and withdrawal will have an adverse impact on the water source and existing water rights.

This protest will be fully considered before a decision is issued on your application.

Sincerely,

Don Davidson
Water Resources

Vicki Windorst

DD:th

S

Affidavit of Publication

THE VIDETTE

Montesano, Washington

STATE OF WASHINGTON, }
County of Grays Harbor, } ss.

C.E. PRITCHARD, being first duly sworn on oath, deposes and says: That he is the PUBLISHER of THE VIDETTE, a weekly newspaper, which has been established, published in the English language, and circulated continuously as a weekly newspaper in the City of Montesano, and in said County and State, and of general circulation in said county for more than six (6) months prior to the date of the first publication of the Notice hereto attached, and that the said Vidette was on the 23rd day of June, 1941, approved as a legal newspaper by the Superior Court of said Grays Harbor County, and that the annexed is a true

copy of a Water Rights Application

Swampapple Enterprises Inc #G228447

as it appeared in the regular and entire issue of said paper itself and not in a supplement thereof for a period of

two consecutive weeks
commencing on the 14th day of May,

1992, and ending on the 21st day of May, 1992,
and that said newspaper was regularly distributed to its subscribers during all of this period. That the amount of

\$40.00 is the total cost for the publication of this notice.

Subscribed and sworn to before me this 21st

day of May, 1992.

Nadine C. Haney
Notary Public in and for the State of Washington,
Residing at Montesano

Commission Expires

April 15, 1994

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

That Swampapple Enterprises, Inc. of Grayland, Washington on March 20, 1992 under Application No. S228447 filed for permit to appropriate public waters, subject to existing rights, from Bend Creek and unnamed springs in the amount of 1 cubic feet per second as needed year round each year, for frost and heat protection, flood harvesting and irrigation during irrigation season. The source of the proposed appropriation is located within S1/2 S1/2 SE1/4 NE1/4 of Section 7, Township 15N., Range 11WW.M., in Grays Harbor County.

Protests or objections to approval of this application must include a detailed statement of the basis for objections: protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from May 21, 1992.

DEPARTMENT OF ECOLOGY
P.O. Box 47775
Olympia, WA 98504-7775
First Publication: May 14, 1992
Last Publication: May 21, 1992

*affidavit OK
VW
6/16/92*

CURT SMITCH
Director



STATE OF WASHINGTON
DEPARTMENT OF WILDLIFE

500 Capitol Way North • Olympia, Washington 98501-1691 • (206) 753-5700

Date 21 APRIL 1992

Department of Ecology
Water Resources Section
Southwest Region
7272 Cleanwater Lane
Olympia, Washington 98504

Water Right Application # 5228447
Applied for by SWAMPAPPLE ENTERPRISES, INC.
Water BEND CREEK
WRIA # 22
Amount 1.11 cfs

The waters to be affected by this water right application:

- ☐ support anadromous fish
- ☐ support resident fish
- ☐ support no fish
- ☐ based on site-specific knowledge
- ☐ based on experience with this type of water

The Department of Wildlife has reviewed the above referenced water right application and submits the following recommendations:

- ☐ This is a second response after field investigation following a hold request.
- ☒ WDOE has adopted minimum flows and stream closures for this WRIA. Water rights should be subject to adopted minimum flows and closures as stated in WAC 173-5 22.
- ☐ Deny:
- ☐ Deny: According to WDW policy (POL-3200 5. Diversion From Very Small Streams to be Discouraged), "Any diversion from very small streams (less than five feet wide between toes of banks) is detrimental to fish habitat at any flows except floods. The Department will discourage any diversion from very small streams which support fish."
- ☐ Deny: This water right, if granted, would adversely impact wetlands in violation of Executive Order 90-04.
- ☐ Minimum flow: All diversions shall cease when the flow of _____ as measured at _____ is less than _____ cfs during _____ and _____ cfs during _____.
- ☐ This is based on _____.
- ☐ This water right, if issued, should be subject to existing low flow on _____.
- ☐ If that existing low flow is not clearly defined as to point of measurement and specific number of cfs, then please notify us so that we may recommend specifics.

- _____ Single domestic water rights normally do not exceed 0.02 cfs. If this water right is issued, we request that it be limited to no more than 0.02 cfs.
- X Please HOLD pending investigation to determine minimum flow needed. We will be able to provide site-specific minimum flow recommendations by 10/1/92 after field investigations are completed.
- _____ Please HOLD pending completion of IFIM study which should be conducted by applicant following Instream Flow Study Guidelines available from Department of Wildlife.
- _____ Screening criteria: Maximum approach velocity 0.40 ft/sec, 1/8 inch mesh.
- _____ Hydraulic Project Approval required.
- _____ Spring is important wildlife habitat. We request that WDOE establish conditions to minimize impact to wildlife habitat. Please call us if we can assist.
- _____ No comments.
- _____ Other:

Thank you for the opportunity to review and comment.

Sincerely,

Constance Iten

Constance Iten
Habitat Biologist

CI:mjf

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

That Swampapple Enterprises, Inc.
of Grayland, Washington on March 20, 1992 under
Application No. S228447 filed for permit to appropriate public waters, subject to existing rights,
from Bend Creek and unnamed springs
in the amount of 1 cubic feet per second as needed year round
each year, for Frost and heat protection, flood harvesting and irrigation during
irrigation season
The source of the proposed appropriation is located within S½ S½ SE¼ NE¼
of Section 7, Township 15 N., Range 11 W. W.M., in Grays Harbor County.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from

(Last date of publication to be entered above by publisher)

* Notice must be published once a week for two consecutive weeks.

Dept of Ecology
P.O. Box 47775
Olympia Wa 98504-7775

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

April 8, 1992

SWAMPAPPLE ENTERPRISES INC
RT 1 BOX 425
GRAYLAND WA 98547-0425

Re: Surface Water Application No. S 2-28447

Your application for the appropriation of water has been assigned the above-referenced number. Please refer to this number in future correspondence.

Enclosed is a notice of your application which must be published once a week for two consecutive weeks in a qualified legal newspaper of general circulation in the County or Counties in which the storage, diversion, and use is to be made and in other newspapers as directed. A list of these newspapers in your county is enclosed. The applicant is responsible for the payment of the publication.

Please read the notice carefully to make sure it is correct. Should you find an error, please return the notice to our office for correction.

You should mail or deliver the enclosed notice to a newspaper regarding publication as soon as possible. When you receive the affidavit of publication from the newspaper, please forward it to this office promptly.

Sincerely,

Sheri Fox
Water Resources

SF:rla
Enclosures